



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 174 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 35-31.5-2-351.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 351.5. "Violent criminal", for**
- 6 **purposes of IC 35-38-1-17, has the meaning set forth in**
- 7 **IC 35-38-1-17."**
- 8 Page 1, line 7, delete "However, subsection (i) applies only to a".
- 9 Page 1, delete line 8.
- 10 Page 1, line 9, delete "a:" and insert "a".
- 11 Page 1, line 10, delete "(1)".
- 12 Page 1, line 10, delete "felon;" and insert "felon."
- 13 Page 1, line 10, delete "or".
- 14 Page 1, run in lines 9 through 10.
- 15 Page 1, delete line 11, begin a new paragraph, and insert:
- 16 **"(c) As used in this section, "violent criminal" means a person**
- 17 **convicted of any of the following offenses:**
- 18 **(1) Murder (IC 35-42-1-1).**
- 19 **(2) Attempted murder (IC 35-41-5-1).**
- 20 **(3) Voluntary manslaughter (IC 35-42-1-3).**
- 21 **(4) Involuntary manslaughter (IC 35-42-1-4).**
- 22 **(5) Reckless homicide (IC 35-42-1-5).**
- 23 **(6) Aggravated battery (IC 35-42-2-1.5).**
- 24 **(7) Kidnapping (IC 35-42-3-2).**
- 25 **(8) Rape (IC 35-42-4-1).**
- 26 **(9) Criminal deviate conduct (IC 35-42-4-2) (before its**
- 27 **repeal).**

(10) Child molesting (IC 35-42-4-3).

(11) Sexual misconduct with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a Level 2 felony under IC 35-42-4-9(b)(2).

(12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).

(13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).

(14) Unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5)."

Page 1, delete lines 12 through 16.

Page 2, delete lines 1 through 14.

Page 2, line 15, delete "(c)" and insert "(d)".

Page 2, line 15, strike "Not later than three hundred sixty-five (365) days" and insert "**At any time**".

Page 2, line 22, delete "(d)".

Page 2, line 22, strike "If more than three hundred sixty-five (365) days have elapsed".

Page 2, strike lines 23 through 26.

Page 2, line 42, after "(i)" insert "**This subsection applies only to a convicted person who is not a violent criminal.**".

Page 2, line 42, after "person" insert "**who is not a violent criminal**".

Page 3, line 5, delete "incarceration." and insert "incarceration; **without the consent of the prosecuting attorney.**

**(j) This subsection applies to a convicted person who is a violent criminal. A convicted person who is a violent criminal may file a petition for sentence modification under this section not more than one (1) time without the consent of the prosecuting attorney."**

Page 3, line 6, delete "(j)" and insert "(k)".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

**"(l) Notwithstanding subsection (j), a convicted person who committed an offense after June 30, 2014, and before May 15, 2015, may file one (1) petition for sentence modification without the consent of the prosecuting attorney, even if the person has**

- 1 **previously filed a petition for sentence modification."**
- 2 Renumber all SECTIONS consecutively.  
(Reference is to SB 174 as reprinted February 4, 2015.)

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Senator YOUNG R MICHAEL